IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 20159 of 2007(Y)

PETITIONER:

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1. C.SUDHAKARAN, 'SUGAVAS', TC 79/2357(1),
   KARIKKAKAM, BEACH P.O., THIRUVANANTHAPURAM.

2. B.V.PRAKASH, T.C. 38/887, THALACKAL
   PUTHEN VEEDU, VATTAVILA, THIRUMALA P.O.,
   THIRUVANANTHAPURAM.

BY ADV. SRI.AJITH KRISHNAN

RESPONDENTS:

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1. THE STATE OF KERALA,
   REPRESENTED BY PRINCIPAL SECRETARY,
   PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY,
   FINANCE DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

3. THE PRINCIPAL SECRETARY,
   HEALTH AND FAMILY WELFARE,
   SECRETARIAT, THIRUVANANTHAPURAM.

4. PRINCIPAL,
   MEDICAL COLLEGE HOSPITAL,
   THIRUVANANTHAPURAM.

5. THE CHIEF ENGINEER,
   PWD BUILDINGS AND LOCAL WORKS,
   THIRUVANANTHAPURAM.

6. THE EXECUTIVE ENGINEER,
   PWD SPECIAL BUILDING DIVISION,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE LETTER DATED 11.5.2007 ISSUED BY THE 6TH RESPONDENT

EXT.P2- TRUE COPY OF THE REPRESENTATION DATED 15.5.2007 SUBMITTED BY 1ST PETITIONER BEFORE THE 1 TO 5 RESPONDENTS

EXT.P3- TRUE COPY OF THE REPRESENTATION DTED 15.5.2007 SUBMITTED BY THE SECOND PETITIONER BEFORE THE 1 TO 5 RESPONDENTS

(TRUE COPY)

P.A TO JUDGE

ANTONY DOMINIC, J

W.P.(C). 20159/2007

Dated this the 22nd day of November, 2007

JUDGMENT

Petitioners submits that they have executed certain works pursuant to the contracts awarded by the respondents. The complaint in this writ petition is regarding the non-payment of their bills.

2. In the counter affidavit, it is admitted that Rs.8,88,919/- is due to the first petitioner and Rs.12,29,175/- is due to the second petitioner. The only justification for the delay in the payment of their bills is that the work awarded to the petitioners was fully assisted by the Central Government scheme and that the Central Government had not released the full amount that is payable. According to the respondents, on receipt of partial payments, from the Central Government, a part of the bill amount has already been paid and that for the balance amount, they are awaiting further payment from the Central Government.

3. Since the work in question has been executed by the petitioners on being engaged by the respondents herein, in the absence of a clause in the agreement to the contrary, respondents are liable to make payment of the bill amount. Therefore, the delay in payment of the amount by the Central Government or its non-payment can be no reason for making the petitioners wait for settling their dues. In my view, the respondents have obligation to settle the bills and in view of this, I direct that the respondents shall settle the bills of the petitioners as expeditiously as possible at any rate within a period of six months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrcs